

REMARKS

As a preliminary matter, Applicants traverse the outstanding Office Action as being nonresponsive. In his “Response to Arguments” (paragraphs 1-6 in the outstanding Office Action), the Examiner did not answer any of the main arguments provided by Applicants in Amendment C, filed April 10, 2006, and of the few relatively minor arguments that were addressed by the Examiner, such have been significantly mischaracterized.

For example, Applicants specifically pointed out to the Examiner how the cited Donahue reference (U.S. 5,835,721) fails to teach (or even suggest) the reply unit featured in claims 1 and 4-5 of the present invention, or the reply information destruction unit featured in claim 2. These recited units are elements with specific features and limitations that simply do not appear in the single prior art reference cited of record. Section 707.07(f) of the MPEP places a specific burden upon the Examiner to answer all meritorious arguments traversing a rejection before the rejection is repeated. In the present case, however, this burden has not been met.

Additionally, with respect to the arguments that were addressed by the Examiner, the Examiner did not answer the arguments that were actually made. For example, Applicant never argued that “Donahue failed to store data in a memory.” Instead, Applicants specifically argued how Donahue fails to teach (or suggest) that reply information is stored in the memory. As repeatedly argued, and not challenged by the Examiner, the claimed reply information is recited as different than the simple information data that is stored by Donahue.

The present invention further features that the claimed reply information corresponds particularly to a request issued by an external device. The data element described by Donahue, which was again cited by the Examiner in the outstanding Office Action, is never described to so particularly correspond to a request issued by an external device, or also that such corresponding data will also be stored in a memory. Accordingly, because the Examiner does not appear to have considered the actual arguments made by Applicants in Amendment C, all these arguments stand un rebutted, and are also incorporated by reference herein. Applicants again respectfully request that the Examiner consider these arguments, and withdraw the outstanding rejection.

Additionally, paragraph 5 of the outstanding Office Action erroneously asserts that Applicants “repeated the argument about *storing information* in a memory for claim 2.” (Emphasis added). In fact, Applicants’ traversal of the specific rejection of claim 2 made no such arguments, and was instead focused on the fact that Donahue fails to teach (or suggest) a reply information destruction unit having all of the limitations featured in claim 2. Applicants simply never argued that Donahue fails to “store information in a memory.” Applicants argued that Donahue could not even suggest the presence of a reply information destruction unit that destroys reply information stored in a memory, because Donahue does not even teach or suggest the original reply unit that first stores the reply information corresponding to a request issued by an external device. The Examiner is not entitled to pick and choose merely a few features of a claim that appear similar to some descriptions in the prior art. Instead, the Examiner is required to consider *all* features and limitations of the claimed invention to determine patentability.

The Examiner thus does not appear to have given any consideration to the features of the present claims relating to the affirmatively recited reply unit and reply information destruction unit. The Examiner also appears to have not given full consideration to *what kind of information* is actually stored in the memories of the present invention either. Accordingly, for at least these reasons, the outstanding Office Action is deficient, and should be vacated.

Claims 1-6 again stand rejected under 35 U.S.C. 102(b) as being anticipated by Donahue. With respect to claims 1-5, Applicants therefore again respectfully traverse this rejection for at least the reasons of record, those discussed above, and as follows. Donahue simply fails to teach (or even suggest) any reply unit or reply destruction unit having all of the features and limitations of the present invention, and none of the Examiner's citations to the Donahue reference teach or suggest that reply information, having all of the presently claimed features, is also stored in a memory. The Examiner will please note that dependent claim 6 has been canceled without prejudice herein, and most of its recited subject matter reworded, and either incorporated into claim 3 (from which claim 6 directly depended), or new dependent claim 7 (which also depends from claim 3 directly).

The Examiner's mere citation only to Donahue's "Name Binding Protocol," without any substantive discussion of this portion of the reference, entirely fails to answer, or even address, any of Applicants' main arguments against the repeated rejection. As previously discussed, this portion of Donahue merely teaches that a receiver is monitored for interruptions. Donahue then only describes that the sending

computer determines which computers are still available to receive data through the network. The Examiner has not challenged the fact that Donahue specifically teaches that this received data is the *information data*, which is not described to be anything similar to the reply information that is affirmatively recited in the present invention.

Donahue's Name Binding Protocol (column 6, lines 49-65) does not teach (or suggest) any reply information that corresponds to a request issued by an external device, or that such reply information is then stored in a memory. Donahue does not teach that any of the receivers described in the Name Binding Protocol issue external requests to the sending computer, or that the sending computer stores such an external request information in a memory as reply information. Donahue clearly teaches that it is the *sending computer* that issues the "requests" for information from the receivers, and that this same sending computer then only indicates if the receivers are available.

Donahue further fails to teach (or even suggest) that the availability determination of the internal device sending computer is stored in a memory by a reply unit, as in claim 1 of the present invention, and later destroyed by a reply information destruction unit, as in claim 2 of the present invention. The Examiner has simply not pointed to any teaching in the reference that is remotely analogous to these plainly recited features of the present invention. Accordingly, the outstanding Section 102 rejection is further deficient, and should be withdrawn for at least these additional reasons.

Applicants again emphasize that the Examiner still has not actually identified with any particularity which features or elements in the Donahue reference he deems to allegedly correspond to all of these specifically recited elements of the present

claims. The mere reference to a block of text, without any substantive discussion of the elements described therein, fails to establish a *prima facie* case of anticipation or answer the arguments traversing the repetition of such a rejection. If the Examiner is unable to point specifically to the presence of each and every claimed feature of the present invention within the prior art reference, the Examiner must withdraw the rejection.

With respect to the Examiner's remarks (paragraph 6 of the outstanding Office Action) regarding claim 3 of the present invention, the Examiner is incorrect to assert that Applicants "did not address claim 3." Upon review of Amendment C, the Examiner can find that Applicants did specifically address claim 3 in the first full paragraph on page 6. The original subject matter of claim 3 is still present in the claim, only now recited in greater detail with the incorporation of some of the subject matter from original claim 6.

With respect to claim 6, which was added in Amendment C, this claim has now been canceled without prejudice herein. Applicants point out for the record that this cancellation is entirely unrelated to the outstanding repeated rejection, because the Examiner's remarks to Applicants' traversal of the rejection of claim 6 were also nonresponsive. The text cited from column 8 of Donahue failed to describe all of the claimed features of claim 6 relating to what information was included within the reply information. For example, the cited text at lines 5-19 of column 8 did not mention any port number included in the reply information, or information corresponding to the claimed client application names. Features relating to this previously claimed port number now appear in new claim 7.

The Examiner should now find that new claim 7 is at least in condition for allowance therefore, for similar reasons as was previous claim 6. Particular support for the amended language of these claim 7 features can be found in at least page 2, lines 14-25, and page 21, line 25 through page 22, line 22 of the present Specification. In addition to the novel port number features of the claim, as discussed above, claim 7 also directly depends from claim 3, and is patentable for at least the same reasons as this base claim. Claim 3, for example, additionally recites that reply information includes identification information for identifying the request from the external device. Donahue fails to teach or suggest that its described “external devices” issue any such request.

As discussed above, all of the external devices are passive in Donahue’s system, and all of the requests to determine availability are made only by the sending computer. Donahue never teaches or suggests that the external devices/receivers issue requests, or that the sending computer contains a reply unit which transmits reply information corresponding to such requests from the external devices. All of the claims of the present invention are thus significantly different than the teachings from Donahue, and all of the present claims are therefore fully patentable over Donahue.

Independent claim 1 has been amended merely for better grammatical clarity, in order to more clearly establish that the same “external communication device” is described in both of the first two clauses of the claim. The Examiner had not objected to the claim, but Applicants submit that the slightly amended language places the claim in better form for issuance. The amendments to claim 3, discussed above, simply incorporate some of the subject matter (now better clarified) from claim 6, now canceled.


New claim 7 has been substituted for canceled claim 6, to also depend from claim 3, and recited some of the previous subject matter from claim 6. Accordingly, Applicants further submit that all of these amendments to the claims fail to raise any new issues requiring further search or consideration by the Examiner, and therefore are all of these amendments are both appropriate and necessary for entry after prosecution on the merits has closed.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-5 and 7, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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